

### REMARKS

This is in response to the Office Action mailed on August 28, 2006. The Office Action indicated that Claims 1-27 were pending and rejected. With this Amendment, Claims 1-4, 15-18, 24 and 25 are amended, and Claims 1-27 are presented for reconsideration and allowance.

### Claim Objections

The Examiner objected to Claim 7 as including the word “couplable”. The Examiner suggested that “couplable” was a non-word.

Webster’s Third International Dictionary of the English Language Unabridged, ISBN 0-87779-201-1 (1981) lists the main entry “couple” as a verb on page 521 and lists the main entry “-able” as a suffix on page 4. The main entry on page 4 of the suffix “-able” identifies “-able” as an “adjective suffix” and refers the reader to the Explanatory Notes. Explanatory Note 21.1 “Combining Forms” on page 18a indicates that “A main entry that begins or ends with a hyphen is a word element that forms part of an English compound, and specifically lists the adjective suffix “-able” as an example of a combining form. Couplable is therefore a word, specifically a compound word based on the verb “couple” and the adjective suffix “-able”.

A search of the USPTO patent database on November 17, 2006 found 2,564 issued US Patents with a claim set that included the word “couplable”, and 1,181 Patent Publications with a claim set that included the word “couplable”. The word “couplable” is in use as a word.

Reconsideration, withdrawal of the objection to “couplable” as a non-word and allowance of Claim 7 is therefore requested.

### Claim rejections - 35 USC 103

Claims 1-27 were rejected under 35 USC 103(a) over Millikan et al. US 6,928,039 in view of Smith US 6,854,028. The Examiner suggested that Millikan disclosed the features of Claim 1, 15 and 24 except for making the time-to-fill value subject to environmental

disturbances. The Examiner suggested that Smith teaches use of an environmental sensor to schedule read operations as a function of an environmental sensor output. The Examiner suggested that it would have been obvious to apply Smith's environmental sensor and scheduling to Millikan's system to minimize read errors when there is shock. The Examiner argued that since the time-to-fill value varies with the amount of shock, that it would therefore have been obvious to calculate a time-to-fill estimate.

With this Amendment, Claims 1, 15 and 24 are amended to include a limitations to a data streaming buffer circuit and an intermittent read data stream.

Millikan teaches comparison of a restart time of a CD player and a playback time of unaccessed cache audio. Millikan does not teach or suggest a comparison of time-to-fill and a time-to-exhaust estimates. A restart time of a CD player is not a time-to-fill estimate as presently claimed in Claims 1, 15 and 24.

Smith teaches scheduling hard disc read/write operations of a wearable computer between impacts from the steps of a person carrying the disc drive. Smith teaches that "Certain operations of the disk drive may be less susceptible to the user's walking motion, or the walk condition, such as a read operation, and therefore may be scheduled randomly, regardless of the walking forces and the interval therebetween (Col. 5, lines 15-19). Smith goes on to point out that "With the read operation, there is no critical time frame for reading, in which data might be lost (Col. 11, lines 7-9). Smith thus teaches away from the invention as presently claimed by asserting that there is no critical time frame for reading. Smith clearly does not disclose providing a data streaming buffer circuit as presently claimed in Claims 1, 15 and 24. Smith does not teach a comparator receiving time-to-fill and time-to-exhaust estimates.

Neither Millikan nor Smith, taken singly or in combination, teach or suggest providing a comparator receiving time-to-fill and time-to-exhaust estimates. In seeking to solve a problem with critical timing of intermittent read data to a data streaming buffer circuit, a person skilled in the art would not be motivated to consider Smith. Smith does not teach a data streaming buffer circuit. Smith does not teach estimating a time-to-fill for an intermittent read data stream. In fact, Smith teaches specifically that "there is no critical time for reading."

Independent Claims 1, 15 and 24, as presently amended, are therefore believed to be not obvious over a combination of Millikan and Smith. Reconsideration and withdrawal of the rejection, and allowance of the Claims 1, 15 and 24 is therefore requested.

The dependent claims 2-14, 16-23 and 25-27 include limitations that, when taken in combination with the limitations of the independent claims 1, 15 or 24, as presently amended, are also believed to be patentable. Reconsideration and withdrawal of the rejections of Claims 2-14, 15-23 and 25-27, and allowance of Claims 2-14, 15-23 and 25-27 are requested.

The Application appears to be in condition for allowance and favorable action is requested. The Director is authorized to charge any fee deficiency required by this paper or credit any overpayment to Deposit Account No. 23-1123.

Respectfully submitted,

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